HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.19382 of 1997

Dated 29th Day of Janaury, 2007

Between:

Nune Veerraju
.. Petitioner

And

The Commissioner, Mandapeta
Municipality and three others. ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 1st respondent in refusing to grant permission to construct "Smitha Agricultural Model Farm Cattle House" in an extent of Ac.0.72¼ cents of land situated in S.No.680 of Mandapeta village, by his Endorsement B.A.No.85/97-B.1, dated 30.7.1997, as illegal and arbitrary, and consequently direct the respondents to grant permission to the petitioner to construct Cattle House in S.No.680.

The brief facts of the case are that the petitioner purchased an extent of Ac.0.72¼ cents of agricultural land situated in S.No.680 of Mandapeta in the year 1993. The petitioner, for the purpose of constructing a Cattle House applied to the Municipality for approval along with necessary plans, but the 1st respondent, by his endorsement, dated 30.7.1997, rejected his application on the ground that there are proposals of farming 80 feet bye-pass road through the site.

The 1st respondent filed counter affidavit *inter alia* stating that after receiving the application from the petitioner, the Town Planning Building Overseer inspected the site on 29.7.1997 and found that the land in question is affected by the proposed 80 feet wide by-pass road.

Heard the learned counsel for the petitioner and the learned standing counsel for the Municipality.

This Court, while ordering Rune Nisi, refused to

pass any interim orders. Having regard to the said fact, this Court is of the view that the relief sought for by the petitioner cannot be granted at this length of time.

Hence, the writ petition is dismissed. No costs.

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29.01.2007
bcj